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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

47097-00057USPR

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,279,298, granted August 28, 2001, and for which a reissue patent is sought on the invention entitled Fill-Through-The-Top Package And Method And Apparatus For Making The Same,

the specification of which

- ☐ is attached hereto.
☒ was filed on August 25, 2003, as reissue application number 10/647,819.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☐ by reason of a defective specification or drawing.
☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

U.S. Patent No. 6,279,298 relates to creating a fill opening between one track of the fastener and one of the panels. Claim 9 of the '298 patent, for example, requires a "folding" step that is unnecessary for claim 9 to be patentable over the prior art. Hence, new claim 17 has broadened this aspect of claim 9. Claim 9 of the '298 patent also requires the attachment to occur "near a longitudinal edge of the first panel," which is also unnecessary for claim 9 to be patentable over the prior art. Hence, new claim 17 has broadened this aspect of claim 9, as well. Thus, claim 9 was drafted too narrowly because it includes limitations that were not needed for the patentability of the claims.

Furthermore, the methodology of creating a fill opening between one track of a fastener and a web, wherein the fastener includes a preattached slider, was not claimed as broadly as it could have been in the '298 patent. Accordingly, new claim 55 broadens the overall claim scope with respect to this subject matter.

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REISSUE APPLICATION DECLARATION BY THE INVENTOR**Docket Number (Optional)**

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.</p>		
Full name of sole or first inventor (given name, family name): Toby R. Thomas		
Inventor's signature	<i>Toby R. Thomas</i>	Date <i>July 26, 2005</i>
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Mailing Address: same as Residence		Citizenship: U.S.A.
Full name of third joint inventor (given name, family name): John D. Athans		
Inventor's signature		Date
Residence: 7300 Silver Hill Path, Victor, New York 14564		
Mailing Address: same as Residence		Citizenship: U.S.A.
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.		

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Inventor's signature		Date
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Mailing Address: same as Residence		Citizenship: U.S.A.
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Mailing Address: same as Residence		Citizenship: U.S.A.
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